

FOR OFFICE USE ONLY	

## HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Wooton to Engrossed Senate Bill No. 476 by Senator N. Gautreaux

### 1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 44:36(D)," to "R.S. 44:5,"

### 3 AMENDMENT NO. 2

4 On page 1, line 3, after "bodies;" delete the remainder of the line and delete line 4 and insert  
5 "to provide for the application of the laws relative to public records to the office of the  
6 governor and agencies and officials within the office of the governor; and to provide for  
7 related"

### 8 AMENDMENT NO. 3

9 On page 1, line 7, change "R.S. 44:36(D)" to "R.S. 44:5"

### 10 AMENDMENT NO. 4

11 On page 1, delete lines 8 through 16 and insert the following:

12  
13       "§5. Records of the governor  
14           A. ~~This Chapter shall not apply to any records having been used, being in~~  
15 ~~use, possessed, or retained for use by the governor in the usual course of the duties~~  
16 ~~and business of his office relating to the deliberative process of the governor, intra-~~  
17 ~~office communications of the governor and his internal staff, the governor's security~~  
18 ~~and schedule, or communications with or the security and schedule of the governor's~~  
19 ~~spouse or children.~~

20           Records of the office of the governor shall be public records and shall be  
21 subject to the provisions of this Chapter.

22           B.(1) Notwithstanding the provisions of Subsection A of this Section, a  
23 record of the office of the governor that reflects pre-decisional mental impressions,  
24 advice, proposals, or opinions created for the purpose of assisting the governor in the  
25 formulation of a decision in the usual course of the duties and business of his office  
26 shall be privileged from disclosure.

27           (2)(a) Notwithstanding the provisions of Subsection A of this Section, any  
28 record of the office of the governor pertaining to the schedule of the governor, his  
29 spouse, or his child which record contains security details which if public could  
30 impair the safety of the governor, his spouse, or his child shall be confidential.

31           (b) Nothing in Subparagraph (a) of this Paragraph shall be interpreted or  
32 construed in a manner to make all records concerning a meeting or event the  
33 governor attends and transportation related thereto confidential; however, the  
34 governor may keep a record concerning a meeting or event the governor attends and  
35 transportation related thereto privileged for a period not to exceed seven days from  
36 the occurrence of the meeting or event.

37           (3) ~~Except as otherwise provided in this Subsection, the~~ The provisions of  
38 Paragraph (1) of this Section Subsection shall not apply to the records of any agency,  
39 office, or department transferred or placed within the office of the governor or to the  
40 records of any other executive branch agency.

~~(2) Notwithstanding Paragraph (1) of this Subsection, a record limited to pre-decisional advice and recommendations to the governor concerning budgeting in the custody of any agency or department headed by an unclassified gubernatorial appointee shall be privileged for six months from the date such record is prepared.~~

C. The provisions of Subsection B of this Section shall not prevent any person from inspecting, examining, and copying, or obtaining a reproduction of any records pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor or the office of the governor.

D. For purposes of this Section:

~~(1) "Deliberative process" means the process by which decisions and policies are formulated.~~

~~(2) "Internal staff of the governor" means the governor, chief of staff, executive counsel, director of policy, and employees under their supervision. Internal staff shall not mean any person employed in any other executive agency, including those designated by state law as housed in or transferred to the office of the governor.~~

~~(3) Records "relating to the deliberative process of the governor" means all forms of pre-decisional advice, opinions, deliberations, or recommendations made for the purpose of assisting the governor in the usual course of the duties and business of his office.~~

~~E. Notwithstanding any provision of this Chapter, the state police shall maintain a travel log identifying the date and location of all travel by the governor in a state police helicopter, which record shall be available for inspection and copying in accordance with the provisions of this Chapter. Entries to the state police helicopter travel log shall be made within seven days after the date of travel.~~

D. (1) The office of the governor shall preserve all records of his office in accordance with law, including those records made privileged or confidential pursuant to Subsection B of this Section.

(2) At the conclusion of the term of office of the governor, the governor shall transfer all records of his office either to the custody of the Department of State or to the custody of a Louisiana public postsecondary educational institution selected by the governor.

(3) A record that is made privileged or confidential pursuant to Subsection B of this Section shall remain privileged or confidential until the lapse of a time period established by the transferring governor which shall not exceed ten years from the date the record was created. After the lapse of the time period, the record shall be public and subject to inspection, examination, copying, and reproduction in the manner provided in this Chapter.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."